

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL LONG,

Plaintiff,

V.

CITY OF SEATTLE, et al.,

Defendants.

NO. C05-1664P

ORDER ON CITY OF SEATTLE'S
MOTION TO STRIKE ATTEMPTED
AMENDED COMPLAINT

This matter comes before the Court on a motion by the City of Seattle titled “Motion to Strike Attempted Amended Complaint Naming Additional Defendants.” (Dkt. No. 24). Through this motion, the City of Seattle seeks to strike an amended complaint that Plaintiff Michael Long filed on May 1, 2006 without leave of the Court. (Dkt. No. 23). Having reviewed the papers and pleadings submitted by the parties, the Court finds and ORDERS as follows:

(1) Plaintiff filed his amended complaint after answers had been filed to his initial complaint. As a result, Plaintiff was required by Fed. R. Civ. P. 15(a) to obtain leave of Court or the consent of Defendants in order to file an amended complaint. See Fed. R. Civ. P. 15(a) (after a responsive pleading has been served, a pleading may be amended “only by leave of court or by written consent of the adverse party”). Plaintiff did not comply with these requirements. In addition, Plaintiff filed his amended complaint after the Court’s deadlines for filing amended pleadings and joining

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1 additional parties had passed. Under Fed. R. Civ. P. 16(b), Plaintiff is required to make a showing of
2 good cause and to obtain leave of the Court in order to modify the case schedule. See Coleman v.
3 Quaker Oats Co., 232 F.3d 1271, 1294-95 (9th Cir. 2000). Although Plaintiff filed a “statement of
4 reservation of rights to join additional parties,” Plaintiff cites no authority that permits a party to
5 unilaterally extend deadlines in a Court’s case schedule by filing such a pleading.

6 (2) Therefore, the Court GRANTS the City’s motion to strike Plaintiff’s attempted
7 amended complaint. The amended complaint filed by Plaintiff on May 1, 2006 (Dkt. No. 23) is
8 STRICKEN from the record.

9 (3) The Court strikes Plaintiff’s amended complaint without prejudice to Plaintiff’s ability
10 to file a motion for leave to amend his complaint. Although Plaintiff included a request for leave to
11 file an amended complaint in his response to the City’s motion to strike, this request was not properly
12 filed as a motion. In order to seek leave to amend his complaint, Plaintiff must file a motion pursuant
13 to Rules 15(a) and 16(b).

14 (4) The clerk is directed to send copies of this order to all counsel of record.

15 Dated: June 8, 2006.

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s/Marsha J. Pechman

18 Marsha J. Pechman

United States District Judge

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